IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO. 377 of 2001

Vinayak Narayan Patil & ors. .. Petitioners

versus

Special Land Acquisition Officer & Anr..Respondents

...

Mr.C.G. Gavnekar for the petitioners.

Mrs.Geeta Mulekar for the respondents.

CORAM : D.G. KARNIK, J

DATED : 25th April 2007.

P.C.:

1. Heard counsel for the parties.

2. Learned AGP for the respondent fairly states that the matter is covered by the decision in Vithal Bhaskar Thakur Vs. Special Land Acquisition Office (Civil Revision Application No.1073 of 2000 decided on 1st September 2006 by me) wherein it was held that the period of limitation would begin to run from the date of the knowledge, actual or constructive, of making of the award by the Collector.

3. Counsel for the petitioner states that the petitioners were not present when the award was made and notice was also not served on all of them. They became aware of the award on 29th November 1999. Learned AGP does not dispute this.

4. In the circumstances, the application made under section 28-A(3) of the Land Acquisition Act was clearly within limitation. For these reasons, Revision Application is allowed. Impugned order is set aside and the respondents are directed to make a reference to the District Court in accordance with law.

(D.G. KARNIK, J)